

## **9 FAM 42.67 Procedural Notes**

*(TL:VISA-185; 02-26-1999)*

### **9 FAM 42.67 PN1 Executing Application**

*(TL:VISA-168; 08-08-1997)*

When the consular officer is satisfied that the application, including any necessary corrections, represents the applicant's complete answers to the questions asked, the applicant must sign the application before the officer. The officer shall then administer the oath, sign the application, and indicate consular title in the designated place. The applicant must sign the way the applicant normally signs in the script or characters of the applicant's own language. If the applicant's normal signature is in other than the Roman alphabet and the applicant is capable of it, the applicant may also add the signature in the Roman alphabet.

### **9 FAM 42.67 PN2 Administering Oath or Affirmation**

*(TL:VISA-59; 5-15-92)*

The consular officer shall stand, raise the right hand, and ask the applicant to do the same. The officer shall then repeat the following words:

“Do you solemnly swear that the statements made by you in this application and interview are true and correct to the best of your knowledge, so help you God?” The applicant shall swear, “I do.”

In administering an affirmation, the procedure is the same but the words shall be varied as follows:

“Do you sincerely affirm that the statements made by you in this application and interview are true and correct to the best of your knowledge.”

## **9 FAM 42.67 PN3 If Advisory Opinion Required**

(TL:VISA-59; 5-15-92)

If an advisory opinion is to be obtained from the Department in a particular case, the consular officer shall refuse the visa under INA 221(g), retaining Form OF-230 Parts I and II, Application for Immigrant Visa and Alien Registration, and each relevant document for the A-Z file. The post shall include the file copy of the advisory opinion request or, if the request is classified, cross-reference the file copy. In a case where an advisory opinion is being sought, the application fee is valid until a final decision is reached and the post shall not charge a new application fee. [See 9 FAM 42.67 N1.5.]

## **9 FAM 42.67 PN4 Issuance Fee Payment**

(TL:VISA-185; 02-26-1999)

Upon completion of the interview, the consular officer shall inform the applicant whether or not a visa will be issued and, if so, direct the applicant to the cashier for payment of the \$65.00 issuance fee. [See 9 FAM 42.81 Regs/Statutes and 9 FAM 42.81 Notes if a visa is refused.]

## **9 FAM 42.67 PN5 Final Action**

### **9 FAM 42.67 PN5.1 Issuing or Refusing Visa**

(TL:VISA-185; 02-26-1999)

Once an application has been executed, the consular officer must either issue the visa or refuse it. A consular officer cannot temporarily refuse, suspend, or hold the visa for future action. If the consular officer refuses the visa, he or she shall inform the applicant of the provisions of law on which the refusal is based, and of any statutory provision under which administrative relief is available. [See 9 FAM 42.81 Procedural Notes for the refusal procedure *and* 9 FAM 40.6 *Exhibit I for waiver relief.*]

### **9 FAM 42.67 PN5.2 Issuing Visa**

(TL:VISA-59; 5-15-92)

After the alien pays the issuance fee, the post shall prepare Form OF-155B, Immigration Visa and Alien Registration. The post shall attach Form OF-230 I and II and supporting documents thereto. The correct procedure for attaching documents to Form OF-155B is outlined in 9 FAM 42.73 PN4. The issuing officer shall then sign the visa (Form OF-155B). The post shall hand the signed visa, with all the documents properly attached, to the alien.

## **9 FAM 42.67 PN5.3 Issuance Procedures**

(TL:VISA-59; 5-15-92)

See 9 FAM 42.73 Related Statutory Provisions and 9 FAM 42.73 Notes.

## **9 FAM 42.67 PN5.4 Visa Refusals**

(TL:VISA-59; 5-15-92)

See 9 FAM 42.81 Related Statutory Provisions and 9 FAM 42.81 Notes.

## **9 FAM 42.67 PN6 Terminating Registration under INA 203(g)**

(TL:VISA-32; 5-30-90)

See 9 FAM 22 CFR 42.83 Related Statutory Provisions.

## **9 FAM 42.67 PN7 Fingerprinting Visa Applicants**

### **9 FAM 42.67 PN7.1 Submitting Fingerprints to the FBI**

(TL:VISA-185; 02-26-1999)

a. The FBI will not release details from its criminal records without first making a positive identification through submission of the visa applicant's fingerprints. Because of the possibility of fraud, applicant's fingerprints must be taken by the visa issuing post and not by police or local officials, unless approved in advance by CA/VO/F.

b. Fingerprints should be submitted only on FBI *Form* FD-258, Applicant Fingerprint Chart. The card must contain one of the following billing numbers in the field marked ORI: USDSNVC0Z or USNHNVC0Z. Visa applicant fingerprints should **not** be submitted on any other form.

c. The following information must be typed in the appropriate spaces on the fingerprint card:

- (1) *Applicant's full name,*
- (2) *Applicant's date and place of birth*
- (3) *Any aliases, and*
- (4) *The reason the applicant is being fingerprinted.*

The applicant *must* sign the card. The employee taking the fingerprints *must* also sign and date the card. The applicant's IVACS case number, beginning with post's three-letter code, must be placed in the box marked "OCA."

d. The officer or FSN *must* always verify the subject's identity before taking fingerprints. Fingerprint impressions must be clear and legible. Refer to 9 FAM 42.67 Exhibit I, "Techniques for Taking Good Fingerprints."

e. Send completed fingerprint cards to:

Federal Bureau of Investigation  
Criminal Justice Information Services  
1000 Custer Hollow Road  
Clarksburg, WV 26306

f. If the fingerprints reveal the applicant has a U.S. criminal record, the FBI will provide a summary of the record, commonly referred to as a rap sheet.

### **9 FAM 42.67 PN7.2 Request for Expedited Fingerprint Handling**

(TL:VISA-185; 02-26-1999)

*Posts should send requests for expedited fingerprint checks to:*

*Department of State  
CA/VO/F/P  
Attn: Fingerprint Officer  
2401 E Street NW  
Washington, D.C. 20520-0106.*

### **9 FAM 42.67 PN7.3 Fingerprint Fee**

(TL-VISA-162; 2-24-97)

Applicants who must be fingerprinted in relation to their visa application must pay a \$25.00 service fee. The fee should be collected at the time fingerprints are taken.

### **9 FAM 42.67 PN7.4 Resubmitting Fingerprints**

(TL:VISA-185; 02-26-1999)

*a. When fingerprints are not legible enough for classification, the FBI checks the applicant's name against its database of fingerprint records. (This differs from the NCIC-III namecheck.) If a probable match is found, the legible parts of the prints are compared to those in the criminal record. If a match is found, the summary record will be forwarded to post.*

b. When the FBI fingerprint database namecheck is negative but the fingerprints are illegible, the fingerprint card will be returned to post stamped "unclassifiable". As long as the applicant's biodata on the fingerprint card was complete allowing the FBI to do the fingerprint database namecheck, post may process these cases to conclusion without resubmitting the fingerprints.

c. If the applicant's biodata is incomplete, however, even a namecheck is impossible. The fingerprint card will be immediately rejected and returned to post. When submitting a second set of fingerprints, the officer should staple the new card to the original one, so the FBI does not bill the Department for a second clearance. The applicant is not required to pay a second fee if replacing illegible fingerprints. However, in the rare case that a third set of fingerprints is required, the applicant will be required to pay an additional \$25.00.